

Florida Open Primaries
Proposed Amendment as of March 29 2017

The following amendment is largely based on the petition currently active with the Florida Secretary of State, with their serial number 15-18. My updates are highlighted with yellow which reflect the recent experience with the state attorney office in the Ninth Judicial Circuit of Florida.

ARTICLE VI

SECTION 5. Primary, general, and special elections.—

- (a) A general election shall, except as provided under subsection(c) be held in each county on the first Tuesday after the first Monday in November of each even-numbered year to choose a successor to each elective state and county officer whose term will expire before the next general election and, except as provided herein, to fill each vacancy in elective office for the unexpired portion of the term. A general election may be suspended or delayed due to a state of emergency or impending emergency pursuant to general law. Special elections and referenda shall be held as provided by law.
- (b) Primary elections shall be held as provided by law. If all candidates for an office, whose names are to be printed on the ballots, have the same party affiliation and the winner will have no opposition be the only printed name on the ballot in the general election, all qualified electors, regardless of party affiliation, may vote in the primary elections for that office.
- (c) In primary elections for Congress, state legislature, governor, cabinet, state attorney, and public defender:
- (1) All qualified candidates shall appear on the same ballot for each office at issue.
 - (2) A political party seeking to have its nominee appear on a primary ballot may qualify to do so as provided by law. Primary elections conducted pursuant to this section shall not determine a political party's nominee for office, and nothing in this subsection shall:
 - (i) restrict the right of private association of parties or of individuals to join or organize into parties; or
 - (ii) restrict the rights of parties to nominate, endorse, support or oppose candidates for office, or to otherwise participate in elections as provided by law. However, no government funds shall be expended to conduct any party primary, caucus, or other party nominating process.
 - (3) Candidates, nominated by a political party meeting the requirements for ballot designation established by law, shall appear on the ballot with their party affiliation designated as provided by law; all other qualified candidates may have their party preference designated on the ballot. The manner of such designations shall be established by law, provided that a candidate's party preference shall be distinguished on the ballot from a party's nomination.
 - (4) All qualified registered voters may vote for any candidate regardless of the political party affiliation of the voter or candidate.
 - (5) Except in the case of elections to Congress, a candidate receiving the majority of votes cast in the primary described in this section shall be elected to that office. If no candidate receives a majority, the top two candidates receiving the most votes cast advance to the general election regardless of their party affiliation.
 - (6) With respect to elections for Congress, the top two candidates receiving the most votes cast in the primary advance to the general election regardless of party affiliation and regardless of whether one of them receives a majority of the votes cast; provided, however, if federal law is changed to allow for election to Congress by winning a majority of votes in the primary, then a candidate who wins the majority of votes cast in the primary shall be elected to that office.
 - (7) A candidate elected to office in a primary election as provided herein will not be included on the general election ballot and no general election will be held for that office

Constitutional Revision Commission (CRC)
Statement supporting the *Right of Adults to Cannabis*

March 29, 2017

Twenty years ago, people just like me asked the last CRC to add language drafted by a committee known as Floridians for Medical Rights to the amendments proposed by that commission.

Around the state, commissioners heard from sick people who were already using cannabis. **They were people who believed they should have a right to continue their cannabis use under the protection of law.** The commissioners agreed the issue was of grave concern, but in the eleventh hour concluded it did not rise to the level of constitutional protections. They believed the Legislature should create exceptions for patients to use the cannabis plant for their own health concerns and supplemental treatment.

It took 18 years and a threatened Constitutional Amendment before the Legislature would even pick up the issue. For the last three years, the low-THC program and the addition of legislation allowing the terminally ill to access the program has failed to meet the needs of sick patients who are already using cannabis or those who were promised relief under existing Florida Statutes.

Despite extensive studies on the use of cannabis, federal laws prohibiting cannabis continue to be a stumbling block for Florida lawmakers. We understand our lawmakers swear an oath to uphold the Florida Constitution and the laws of the United States. After the passage of Amendment 2, the Ninth and Tenth Amendments to the US Constitution protect Florida from Federal intervention in our marijuana program. However, the Legislature seems content to give sick people only extractions and preparations of the plant.

Science supports the idea that the cannabis plant, in all its uses, is beneficial to humans and the planet. We think the People are years ahead of lawmakers on legalization. Ultimately, incremental steps toward cannabis reform, or waiting on the Federal Government for guidance, is not acceptable. Therefore, we are asking this commission to put the ***Right of Adults to Cannabis***, Division of Elections Serial Number 15-20, on the 2018 ballot.

We must bring as many people as possible under the rule of law and its protections, so no person is left outside the rule of law. We want to ensure no one is going to jail for possessing the cannabis plant. We want to ensure no one is forced into mental health treatment for no other reason than they possess a personal amount of this plant.

We want valid public safety concerns addressed, but experience shows legalization is the best way to open the doors for cutting-edge research into the therapeutic value of cannabis.

Legalization saves taxpayers money on enforcement of petty possession crimes. The proposed amendment ***The Right of Adults to Cannabis***, lays the foundation for Legislators to craft rules that begin to bring the current cannabis industry into the sunshine where the public is protected and the products are tested and taxed just like any other commodity.

The proposed amendment that we provided you today has received signatures from over 10,000 people around the state. We have supporters in 49 counties who have signed the petition. Over the coming months you are going to hear from them.

There are no deep pockets set to make millions by ending the prohibition of cannabis and giving people the right to the plant. But, there are many benefits to putting the right of adults to cannabis in the constitution.

Contact Floridians for Freedom
Arnold Diehl, Vice Chairman
772-480-0905
www.floridafreedomgroup.com

CONSTITUTIONAL AMENDMENT PETITION FORM

Note:

All information on this form, including your signature, becomes a public record upon receipt by the Supervisor of Elections.

Under Florida law, it is a first degree misdemeanor, punishable as provided in s. 775.082 or s. 775.08, Florida Statutes, to knowingly sign more than one petition for an issue.

[Section 104.185, Florida Statutes]

If all requested information on this form is not completed, the form will not be valid.

Your name: _____
Please Print Name as it appears on your Voter Information Card

Your address: _____

City _____ **Zip** _____ **County** _____

☐ Please change my legal residence address on my voter registration record to the above residence address (check box, if applicable).

Voter Registration Number _____ **or Date of Birth** _____

I am a registered voter of Florida and hereby petition the Secretary of State to place the following proposed amendment to the Florida Constitution on the ballot in the general election:

BALLOT TITLE: RIGHT OF ADULTS TO CANNABIS

BALLOT SUMMARY: This amendment guarantees the right of persons over twenty-one years of age to possess, use, and cultivate cannabis (commonly referred to as marijuana), reserving to the State the power to regulate its purchase and sale in the interest of health and safety. This amendment applies only to Florida law and state action, and does not immunize violations of federal law.

ARTICLE AND SECTION BEING CREATED OR AMENDED: Article I, Section 28

FULL TEXT OF THE PROPOSED CONSTITUTIONAL AMENDMENT:

All people in the State of Florida twenty-one years of age and older shall have the right under state laws to possession, use, and cultivation of cannabis. This right shall not be infringed except that the transfer of cannabis by purchase or sale may be regulated as necessary to ensure health and safety.

"Cannabis" in this section is defined as all parts of any plant of the genus Cannabis, whether growing or not, and the seeds thereof.

The provisions of this section are severable and if any clause or sentence of this measure, or an application thereof, is adjudged invalid by a court of competent jurisdiction, other provisions shall continue to be in effect to the fullest extent possible.

DATE OF SIGNATURE

X _____
SIGNATURE OF REGISTERED VOTER

Initiative petition sponsored by Floridians for Freedom PO Box 360653 Melbourne, FL 32936

Please return completed petition to PO Box 360653 Melbourne, FL 32936

If paid petition circulator is used:

Circulator's name _____

Circulator's address _____

For Official Use Only:

Serial Number: 15-20

Date Approved: 8/26/2015

John Englander

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<http://www.johnenglander.net>

MY TAKE ON THE FLORIDA CONSTITUTIONAL CONCERNS ABOUT RISING SEA LEVEL:

1. Given that sea level will rise over the coming decades and centuries, unstoppably, issues of legal recourse, property bounds, easements, rights of way, insurance definitions, professional obligations of engineers, architects, planners, attorneys, accountants, appraisers, etc need to be considered in light of a fundamental and potentially substantial change to what is titled real property and what is underwater with increasing frequency and eventually permanently.
2. Flooding will happen with increased frequency directly due to storms at the coast, heavy rainfall and runoff, and due to extreme high tide, but all driven higher as global sea level rises to levels that predate the state of Florida's Constitution.
3. Rights, responsibilities, and obligations will need to be considered both as if the inundation were a force majeure beyond our control like a hurricane effect, but also in a way that recognizes that the inevitable, somewhat unpredictable nature of it should be incorporated as a design criteria by the various professionals cited above.
4. Furthermore, given the fact that the State of Florida and the Federal Government also have a policy role at the local, state, national, and international levels that might potentially reduce or ameliorate the warming that is causing the ice to melt and raise the sea level, the rights and constructs of the Constitution should be considered in terms of possibly retaining possible judicial redress by parties with damage.

Correspondence with Dave Finnigan
By John Englander, 29 March 2017

Note: John Englander is the acknowledged World Expert on Sea Level Rise. He lives in Boca Raton Florida but spends his time traveling the World speaking on this topic. You can follow his blog at www.JohnEnglander.net. His book, High Tide on Main Street came out just before Hurricane Sandy hit the East Coast of the United States and it predicted quite accurately the resultant damage from that storm.

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Florida acting alone cannot stop inevitable sea level rise, which over 99% of climate scientists worldwide warn is accelerating at a geometric pace, and will be doubling at least every 20 years, from 1/8 inch per year this decade now, to 1/4 per year in the 2020s and 2030's, to 1/2 inch per year in the 2030s and 2040s, etc. Here is what that looks like for the next 150 years. As you can see by the end of this century all of South Florida and all the beach towns would need to be evacuated and relocated. But that will not be the end of the rise, unless we can reverse engineer the effects of civilization, get entirely off of fossil fuels and onto renewable energy, and take enormous steps to heal the Earth. Perhaps by acting rapidly Florida can set an example for the country. We are the most vulnerable state and we spend \$100,000,000 per day buying fossil fuel from other states. That is ironic since we are the sunshine state.

Decade	Per year rise (estimate)	Per decade total	Sum Total Rise
2010-2030	1/4 inch	2.5 inches	2.5 inches
2030-2050	1/2 inch	5 inches	7.5 inches
2050-2070	1 inch	10 inches	17.5 inches
2070-2090	2 inches	20 inches	37.5 inches
2090 -2110	4 inches	40 inches	77.5 inches
2110-2130	8 inches	80 inches	157.5 inches
2130-2150	16 inches	160 inches	317.5 inches
2150-2170	32 inches	320 inches	637.5 inches (53 feet)

There are several things we can do to help slow the rising sea level:

First, put a price on carbon and share the fees that we collect with our citizens, as they do in Alaska with oil revenue, or in British Columbia with carbon fees.

Second, mandate that the energy companies assist the citizens of Florida to reach ambitious goals for renewable energy, such as the following:

Year	Goal for renewable percentage
2020	10%
2030	25%
2040	50%
2050	70%
2060	90%

Florida has the sunshine, offshore wind, the gulf stream, tide and potential for many other forms of renewable energy.

Third, mandate a halt to the development of existing open land and require that henceforth all construction be up, not out.

Fourth, work diligently to create an alternative transportation network that is carbon free such as TransitX. Work to gradually eliminate the internal combustion engine, possibly starting with state owned vehicles.

Fifth, work with cities to come up with building codes that save energy in new residential and business construction and help figure ways to retrofit existing housing and office buildings to be as energy efficient as possible.

Sixth, permit counties and municipalities to override pre-emption of state regulations when county and city regulations would be more strict on matters like herbicide and pesticide use, water quality and other environmental restrictions.

Pass PACE Funding state-wide

Seventh, Put sea level rise into the school curriculum at every level from elementary through community college.

Dave Finnigan

P.S. Please initiate a commission on sea level rise in Article II section 7

SHARE YOUR IDEAS

CONSTITUTION REVISION COMMISSION
PUBLIC SUBMISSION

Do you have a proposal to amend the
Florida Constitution? Please fill out this
card with your submission.

29 March 2017
Date

*Topic/Issue BAN FOREIGN LAWS

*Name MICHAEL JOHNSON

Job Title Retired Federal Govt

*Address 312 Tangerine St
Street

Phone 407 947 5417

Altamonte Spring FL 32701
City State Zip

*Email shjohnson@aol.com

Are you representing someone other than yourself? ☐ Yes ☒ No

If Yes, who? _____

Information submitted on this form is public record.

*Required

Provides “foreign law, legal code, or system” means any law, legal code, or system of a jurisdiction outside any state or territory of the United States, including, but not limited to, international organizations or tribunals, and applied by that jurisdiction’s courts, administrative bodies, or other formal or informal tribunals. Provides the term does not include the common law and statute laws of England as described or any laws of the Native American tribes in the state. Declares “Any court, arbitration, tribunal, or administrative agency ruling or decision violates the public policy of this state and is void and unenforceable if the court, arbitration, tribunal, or administrative agency bases its ruling or decision in the matter at issue in whole or in part on any foreign law, legal code, or system that does not grant the parties affected by the ruling or decision the same fundamental liberties, rights, and privileges guaranteed by the State Constitution or the United States Constitution.” Approved by Senate Judiciary Committee 1/25/12. Approved by House Judiciary Committee, Civil Justice Subcommittee 1/31/12.

Florida SB 1360 Provides “foreign law, legal code, or system” means any law, legal code, or system of a jurisdiction outside any state or territory of the United States, including, but not limited to, international organizations or tribunals, and applied by that jurisdiction’s courts, administrative bodies, or other formal or informal tribunals. Provides the term does not include the common law and statute laws of England as described or any laws of the Native American tribes in the state. Declares “Any court, arbitration, tribunal, or administrative agency ruling or decision violates the public policy of this state and is void and unenforceable if the court, arbitration, tribunal, or administrative agency bases its ruling or decision in the matter at issue in whole or in part on any foreign law, legal code, or system that does not grant the parties affected by the ruling or decision the same fundamental liberties, rights, and privileges guaranteed by the State Constitution or the United States Constitution.” Approved by Senate Judiciary Committee 1/25/12.

HB 785 Introduced: March 29, 2010

“Foreign law” means any law, rule, or legal code or system established and used or applied in a jurisdiction outside of the states or territories of the United States...A court, arbitrator, administrative agency, or other adjudicative, mediation, or enforcement authority shall not enforce a foreign law if doing so would violate a right guaranteed by the constitution of this state or of the United States.

SB 460 Introduced: March 29, 2010

“Foreign law” means any law, rule, or legal code or system established and used or applied in a jurisdiction outside of the states or territories of the United States...A court, arbitrator, administrative agency, or other adjudicative, mediation, or enforcement authority shall not enforce a foreign law if doing so would violate a right guaranteed by the constitution of this state or of the United States.

SB 757

Introduced: April 26, 2012

requires issuers of financial securities to disclose whether a security is subject to any kind of religious law or custom

passed by the Senate 32-1 on May 1, 2012; passed by the House 94-0 on May 22, 2012; signed into law on May 31, 2012 as Act No. 369

Notice of Fraud for Lack of Authority from We the People

1. The only way a valid Constitution can be written or revised is by the People or the delegates selected by the People for that purpose.
2. Article 1 Section 1 of the Constitution of the State of Florida: All political power is inherent in the people.
3. Art 1 Section 5 "The People have the right to peaceably assemble and to instruct their representatives and to petition for redress of grievances.
4. We the People hereby declare Florida Constitution Revision Commission is unlawful, lacks any authority from We the People, and is impersonating public servants.

Article 1 Section 1 makes it clear that all political power is inherent in the People and only the People can chose delegates to make or revise a Constitution. Then and only then can the revision process take place.

The fact that each of you, on this Revision Commission, are acting outside the delegated authority of the People, makes you impersonating a public servant or Acting in the Color of Law.

Neither the current Governor nor the Florida legislature has the delegated authority from the People to appoint you to the unlawful Revision Commission.

Mark Schmidter, Administrative Investigator for the Florida People's
Statewide Grand Jury MyQuaere2U@gmail.com

cc Florida People's Statewide Grand Jury

SHARE YOUR IDEAS

CONSTITUTION REVISION COMMISSION
PUBLIC SUBMISSION

Do you have a proposal to amend the
Florida Constitution? Please fill out this
card with your submission.

*Topic/Issue ELIMINATION OF THE TERM "MARIJUANA" FROM FLORIDA STATUTES / LAW 3/29/2017
Date
*Name GARY J. STEIN, MPH
Job Title _____
*Address 7035 BELT LINE LOOP Phone (513) 305-8280
Street
City WESCOY CHAPEL State FL Zip 33545
City State Zip

Are you representing someone other than yourself? ☐ Yes ☒ No

If Yes, who? _____

Information submitted on this form is public record.

*Required

THE FLORIDA CONSTITUTIONAL REVISION COMMITTEE

2017 SUMMARY OF PROPOSED REVISION

Regarding the Elimination of the Slang Term “Marijuana” in favor of the formal term “Cannabis” when referring to Medical Cannabis.

Sponsored by xxxx

Proposed by Gary J Stein

The term “marijuana” has been in common use in for over 80 years in the United States, but it is incorrect to use it in statutes and laws because it is not a formal term. Its first known use was as a Mexican colloquialism during the late 1800’s when the plant was smoked strictly as an inebriant and not used medicinally.¹

The first formal appearance of the substance in US Law was in the Pure Food and Drug Act of 1906, also known as the “Wiley Act” or PL 59-384. Enacted by the 59th Congress, the act came as a result of the revelations of unsanitary conditions in food processing plants brought forth by muckraking journalists, as well as setting the original standards for truth in labeling and set in motion the creation of the Food and Drug Administration. In Sec 8, entitled, “Misbranding”, it states:

That for the purposes of this Act an article shall also be deemed to be misbranded:

IN CASE OF DRUGS:

FIRST. If it be an imitation of or offered for sale under the name of another article.

SECOND. If the contents of the package as originally put up shall have been removed, in whole or in part, and other contents shall have been placed in such package, or if the package fail to bear a statement on the label of the quantity or proportion of any alcohol, morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, **cannabis indica**, chloral hydrate, or acetanilide, or any derivative or preparation of any such substances contained therein.

In this instance, cannabis is being mentioned as a medicinal substance and a part of the US pharmacopeia. Nowhere in this law is the word marijuana found.

¹ Alan Piper, "The Mysterious Origins of the Word 'Marijuana'", Sino-Platonic Papers, 153 (July 2005)

This summary is provided for information only and does not represent the opinion of any legislator

The first time the word "marijuana" is used in US law was in Regulations No.1 of the Bureau of Narcotics, otherwise known as the PL-75-238, or the Marijuana Tax Act of 1937, which made it illegal for the possession, sale and use of cannabis in all forms. The Commissioner of the Bureau of Narcotics at that time, Harry J Anslinger, who had decided to create a racially charged campaign to get the law brought to congress, used the slang instead of the formal term for several reasons. First, cannabis was not well known the country. Second, there was wide-spread anti-Mexican sentiment as an artifact of the depression, when hundreds of thousands of Mexican laborers fled Mexico after the Mexican Civil war, taking many agricultural jobs at any wage. He had help from yellow-journalism tycoon William Randolph Hearst, who had a large grudge against the Mexican people for annexing his timber land. They, along with a team of writers and propaganda experts spread rumors that "marijuana" made Mexican migrant workers insane and that they were indoctrinating white youth into the drug culture, raping white women, and driving white young men mad.

The use of the word "marijuana" for the law was opposed in testimony by Dr. William Woodward, Legislative Council for the American Medical Association. Under oath in the Committee on Ways and Means on May 4, 1937, he stated,;²

There is nothing in the medicinal use of Cannabis that has any relation to Cannabis addiction. I use the word "Cannabis" in preference to the word "marihuana", because Cannabis is the correct term for describing the plant and its products. The term "marihuana" is a mongrel word that has crept into this country over the Mexican border and has no general meaning, except as it relates to the use of Cannabis preparations for smoking. It is not recognized in medicine, and I might say that it is hardly recognized even in the Treasury Department.

In the congressional record, when the bill got to the house floor, marijuana was discussed as "some kind of narcotic" and the bill passed.

Cannabis may have been called a narcotic on the congressional record and put under the auspices of the Bureau of Narcotics, but there was a debate among scientists as to where that was correct nomenclature. That was officially clarified in the Controlled Substances Act (CSA) which was Title II of the Comprehensive Drug Abuse Prevention and Control Act of 1970.

Title 21 – (Food and Drugs), Chapter 13 – (Drug Abuse Prevention and Control), Subchapter I – (Control and Enforcement), Part A – (Introductory Provisions),

§ 801a. - Congressional findings and declarations: psychotropic substances, states;

(16) The term "marihuana" means all parts of the plant Cannabis sativa L., whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds or resin. Such term does not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of such plant which is incapable of germination.

(17) The term "narcotic drug" means any of the following whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

(A) Opium, opiates, derivatives of opium and opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of such isomers, esters,

² <http://www.druglibrary.org/schaffer/hemp/taxact/woodward.htm>

ethers, and salts is possible within the specific chemical designation. Such term does not include the isoquinoline alkaloids of opium.

(B) Poppy straw and concentrate of poppy straw.

(C) Coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed.

(D) Cocaine, its salts, optical and geometric isomers, and salts of isomers.

(E) Ecgonine, its derivatives, their salts, isomers, and salts of isomers.

(F) Any compound, mixture, or preparation which contains any quantity of any of the substances referred to in subparagraphs (A) through (E).

Therefore:

Whereas: Medicinal drugs, when mentioned in laws and statutes are always referred to by their formal names and not in the vernacular, and

Whereas: the term "Marijuana" was a slang term and not a proper term for the substance when used as a medicine and not a narcotic or inebriant, and

Whereas: the term "Cannabis" appeared in US law in the Pure Food and Drug Act of 1906 when referred in the medicinal sense and erroneously referred to as "Marijuana" while being called a narcotic during a racially-driven campaign to pass the Marijuana Tax Act of 1937, and

Whereas: the Controlled Substance Act(CSA), being title II of the Comprehensive Drug Abuse Prevention and Control Act of 1970 verified that cannabis, called "marijuana" in the CSA, is not a narcotic,

Let it be noted that there is federal precedent to imply that cannabis, when being considered medicinally in constitutional law or statute, and being not narcotic nor being considered as an inebriate, should no longer be called marijuana or any other slang or vernacular term.

Therefore, for every instance of the word "marijuana" when the substance is being considered in a medicinal use, for all Florida constitutional laws and statutes, the term "cannabis" must be henceforth substituted in current laws used exclusively now and in the future. Any other slang term, including "pot", "grass", "weed", "dope" and the like will not be allowed in debate or discussion. Similarly, when discussing dispensaries, the term "pot shops" will also no longer be used nor tolerated in debate, discussion or testimony.

This will take effect xxxxx

12-01569-17

1 A bill to be entitled

2 An act relating to cannabis; providing a directive to
3 the Division of Law Revision and Information to prepare
4 a reviser's bill for a specified session of the
5 Legislature to change the term "marijuana" to
6 "cannabis"; providing an effective date.

7
8 Be It Enacted by the Legislature of the State of Florida:

9
10 Section 1. The Division of Law Revision and Information is
11 directed to prepare a reviser's bill for the 2018 Regular Session
12 of the Legislature to change the term "marijuana" to "cannabis"
13 wherever this term appears in the Florida Statutes.

14 Section 2. This act shall take effect July 1, 2017.